

REMARKS

Applicants have thoroughly considered the Examiner's remarks in the July 21, 2006 Office action. This Amendment A amends claims 1, 6, 27, and 45-57 and cancels claims 2-3 to more clearly set forth the invention. Applicants thus respectfully submit that claims 1, and 4-58 as presented are in condition for allowance and respectfully request favorable reconsideration of this application.

As a preliminary matter, Applicants kindly request the Examiner to indicate whether the drawings submitted on June 24, 2003 have been accepted.

Rejection under 35 U.S.C. §101

Claims 45-56 stand rejected under 35 U.S.C. §101 for being directed to non-statutory subject matter. Applicants have hereby amended claims 45-56 to recite the data structure to be stored on one or more computer-readable media. Applicants thus submit that the subject matter recited in claim 45-56 are directed to a statutory subject matter and request the rejection of claims 45-56 under 35 U.S.C. §101 be withdrawn.

Rejection under 35 U.S.C. §102(b)

Claims 1-58 stand rejected under 35 U.S.C. §102(b) as being anticipated by Microsoft Windows Server 2000, white paper ("MWS2K"). Applicants respectfully disagree with the Office and submit that the MWS2K fails to teach or suggest each and every element of the claims because the MWS2K is unrelated to creation of a software image.

Amended claim 1 recites, in part, "a second computer accepting one of the jobs from the first computer and executing the accepted job by performing the operation associated therewith, **wherein the second computer in response to accepting one of the jobs creates the installed software image by configuring and imaging software and delivers the created image to the first computer.**" Embodiments of the invention efficiently create an installed software image in a distributed build environment by having one or more client computers to perform jobs in creating a software image. The distributed environment enables efficient allocation of client resources to any of the servers. Hence, one imaging client may create multiple, different product images while reducing build time of each of the product images.

In contrast, the MWS2K merely teaches or discloses installing operating systems from a server to a number of client computers. In particular, the Office cites page 2 of the MWS2K to support the notion that remote installation services of the Windows 2000 server operating system disclose or suggest embodiments of the invention. (Office action, page 3). Applicants respectively submit that the MWS2K does not disclose the features of “creating an installed software image.” In fact, the MWS2K merely discloses methods and features of deploying operating systems to different computers throughout an enterprise. Nowhere does it teach or disclose that each of the client computers creating a software image to be installed on each of the client computers. Also, the MWS2K also fails to disclose or suggest a first computer maintaining a list of jobs where each of the jobs having an operation associated with creation of an installed software image. Therefore, the MWS2K cannot anticipate claim 1, and the rejection of claim 1 under 35 U.S.C. §102(b) should be withdrawn.

Claims 2-5 depend from claim 1 and recite additional features to claim 1. Therefore, claims 2-5 should also be patentable. Hence, Applicants request the rejection of claims 1-5 under 35 U.S.C. §102(b) be withdrawn.

Similarly, amended claims 6 and 27 recite a similar method including a step for “**creating the installed software image after completed the accepted job.**” Because the MWS2K merely discloses features of deploying an operating system to one or more client computers throughout an enterprise, the MWS2K cannot anticipate at least the feature of creating the installed software image. Claims 7-26 depend from claim 6 and recite additional features to claim 6, and claims 28-44 depend from claim 27 having additional features to claim 27. Therefore, claims 7-26 and 28-44 should also be patentable for at least the reasons above. Applicants thus respectively request the Office withdraw rejection of claims 6-44 under 35 U.S.C. §102(b).

Amended claim 45 recites a data structure stored on one or more computer-readable media **having an identifier associated with the second computer and a descriptor indicating the status of the installation performed by the second computer as identified by the identifier.** Nowhere does the MWS2K discloses or suggests such data structure, and that the MWS2K cannot anticipate embodiments of the invention as claimed in claim 45. Claims 46-53 depend from claim 45 and disclose features that are also distinguishable over the cited art. Therefore, Applicants request the rejection of claims 45-53 under 35 U.S.C. §102(b) be withdrawn.

Amended claim 54 also recites a data structure stored a computer-readable medium including a **job identifier associated with each of the jobs; and a script defining a plurality of operations associated with the job identifier to be performed by the second computer to create an installed software image**. The MWS2K never discloses or suggests such a data structure. Therefore, the MWS2K cannot anticipate each and every element of amended claim 54. Claims 55-56 depend from claim 54 and, for at least the reasons above, are also patentable. Hence, Applicants request the rejection of claims 54-56 under 35 U.S.C. §102(b) be withdrawn.

Lastly, amended claim 57 recites a system for a distributed build in which a **first computer delegates creation of an installed software image to a second computer**. The MWS2K fails to disclose or suggest that the client computers throughout the enterprise will perform the creation of an installed software image for the server. Therefore, the MWS2K cannot anticipate each and every element of claim 57. Claim 58 depends from claim 57 and is also distinguishable over the cited art. Hence, Applicants respectively request the withdrawal of the rejection of claims 57-58 under 35 U.S.C. §102(b).

Applicants submit that the claims are allowable for at least the reasons set forth herein. The dependent claims are believed to be allowable for at least the same reasons as the independent claims from which they depend.

Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited invention. The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith.

Applicants wish to expedite prosecution of this application. If the Examiner deems the application to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the application in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

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